

OFFICE OF THE ATTORNEY GENERAL

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Honorable Edmund M. Sexton, Sr.
Sheriff, Tuscaloosa County
714 1/2 Greensboro Avenue
Tuscaloosa, Alabama 35401

Sheriffs - Constables - Emergency
Vehicles

A constable's privately owned vehicle which is designated as an emergency vehicle by the chief of police of an incorporated city may not be used by the constable outside the authorizing city's police jurisdiction.

Dear Sheriff Sexton:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION

If a chief of police of an incorporated city authorizes a private vehicle used by a constable as an emergency vehicle, can this vehicle operate outside of the authorizing city's police jurisdiction as an emergency vehicle?

FACTS AND ANALYSIS

An "authorized emergency vehicle" is defined in Code of Alabama 1975, § 32-1-1.1 as follows:

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"(3) AUTHORIZED EMERGENCY VEHICLE.
Such fire department vehicles, police
vehicles and ambulances as are publicly
owned, and such other publicly or privately
owned vehicles as are designated by the
director of public safety or the chief of
police of an incorporated city."

The Code does not provide any further guidance as to the jurisdiction of these designated emergency vehicles. But, see Code of Alabama 1975, § 32-5A-115 with regard to duty of emergency vehicle drivers and type of signals on such vehicles. Accordingly, it is our opinion that since the authority of a chief of police does not extend outside his police jurisdiction, the police chief cannot authorize an emergency vehicle to operate outside of that jurisdiction. See Code of Alabama 1975, § 11-40-10.

CONCLUSION


A constable's privately owned vehicle which is designated as an emergency vehicle by the chief of police of an incorporated city may not be used by the constable outside the authorizing city's police jurisdiction.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General

By:


JAMES R. SOLOMON, JR.
Chief, Opinions Division

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